

MINUTES
Waukesha County Storm Water Advisory Committee Meeting
January 17, 2005

The meeting was called to order by chairman Perry Lindquist at 1:10 p.m. The following committee members were present:

Jim D'Antuono – Wisconsin Department of Natural Resources
Perry Lindquist – Waukesha County Land Resources
Gary Evans – Waukesha County Public Works
Tom Chapman – Milwaukee Metropolitan Sewerage District
Walter Kolb – Waukesha County Board of Supervisors
Paul Day – City of Waukesha
Tim Barbeau – R.A. Smith and Associates
Kurt Peot - Ruekert & Mielke, Inc.
Richard Mace – Waukesha County Planning and Zoning
John Siepmann – Siepmann Realty Corporation
Randy Videkovich - Earth Tech Inc.
Gary Goodchild – WE Energies
Neal O'Reilly – Hey and Associates

Others present:

Mark Jenks - Waukesha County Land Resources (recorder)
Alan Barrows - Waukesha County Land Resources
Gina Hansen – Metropolitan Builders Association

Minutes

The group took a few minutes to review the minutes from the January 10, 2005 meeting. Perry asked if there were any suggested changes or comments on the minutes. Hearing no comments the minutes were approved by consensus.

Project / Program Updates:

None.

Continue review of 12/29/04 draft Storm Water Management & Erosion Control Ordinance

The group then began discussion of the draft Waukesha County ordinance starting where the discussion ended on January 10, 2005.

Sec. 14-335.(d) 2. Total Suspended Solids. Perry began the discussion by indicating that the phrase “to the maximum extent practicable” has been eliminated from **A.** to avoid redundancy and that the rest of the language under **A.** is directly from the DNR administrative rule.

Under section **B.** Perry indicated that new language has been inserted in an effort to relate infiltration to water quality. A question was raised about where the reference to the .5 inches of runoff originated. Perry indicated that this was a rule of thumb utilized by LRD staff when

reviewing sites where peak flows are not an issue. During additional discussion of this section, Neal O'Reilly indicated that at least one researcher has concluded that the "first flush" referenced in the note does not exist. The question was then raised of being back in a situation where all sites would need to be modeled. After additional discussion it was decided to eliminate **B.** and the note associated with it.

Sec. 14-335.(d) 3. Infiltration. Perry indicated that the language included in this section came directly from NR 151 and the first portion should not have been double underlined in the draft. During discussion of the draft language and the comments from some who had recently attended a storm water workshop sponsored by the DNR, it was evident that the state is sending mixed signals on what exactly is required for pre-treatment prior to infiltration and what activities or land uses are prohibited from doing infiltration practices. Perry asked Jim D'Antuono to seek clarification on this issue from the DNR.

During discussion **E. Infiltration Prohibitions**, Perry indicated that the reference to the #200 sieve in **(ix)** should be double underlined and has been added for clarification. It was noted that the last sentence in **(ix)** appears to conflict with what had been previously stated in **E. (i)**. Perry asked Jim D. if deleting the reference to rooftops in **E.(i)** would cause a problem for getting a local erosion control and storm water management program authorized by the DNR. Jim D. indicated that he would pursue getting clarification on this and the other issues raised during the discussion of the entire section.

While discussing **G. Alternate runoff uses** it was felt that the wording should be reworked to reference storage and reuse of runoff water as a way to have sites meet infiltration requirements. Perry indicated that **H. Groundwater protection** is a combination of the language in NR 151 and the existing county ordinance. It was suggested that the references to NR 811 and NR 812 be rechecked to see if the language is up to date, due to very recent changes.

Sec. 14-335.(d) 4. Protective Areas. During discussion of this section, Perry indicated that under **(ii)** the reference to mapped streams is being changed to reflect the use of the Waukesha County GIS system, which has a more accurate and current water layer than the USGS maps referenced in the state code. A single water layer will eventually be compiled and depending on its final form may result in the elimination of the terms "perennial and intermittent" from the ordinance language.

Dick Mace indicated that there was a conflict with the shoreland zoning code under **B. Requirements. (i)**, where the draft ordinance indicates that "**impervious surfaces shall be kept out of the protective area.**" Impervious surfaces such as boathouses and walkways are permitted under shoreland zoning and would not be under the erosion control and storm water ordinance. It was suggested to add "except for those items authorized under the Waukesha County Shoreland Zoning Code" to the ordinance. Jim D'Antuono agreed to get some clarification on this issue from DNR staff.

Under **B. (iii.)** Perry indicated that language has been added to make the section consistent with the guiding principles. It was also noted that a word was left out of the draft so the text will be changed to read "**but shall not encroach into wetlands,...**"

Sec. 14-335.(d) 6. Site Drainage. Perry noted that all this language is new and is an attempt to capture the main issues in the information submitted by Neal O'Reilly on this topic. Perry

suggested under **B. Site Grading.** that **roads and driveways** be added to the language to clarify that positive drainage is also needed for these areas. Under **C. Street Drainage.** The group discussed emergency vehicle use during large storm events and the possibility of adding different standards for various road classifications. It was agreed that the 6" maximum depth at road centerline was a good goal for all streets and that exceptions are allowed under the "maximum extent practicable" language.

D. Bridges and cross-culverts. It was agreed that some clarification was needed relating to flood storage areas to apply beyond mapped floodplains and to reference "upstream of bridges and cross-culverts". The term "flood storage" will be replaced with something relating to surface water runoff.

E. Subsurface drainage. After some discussion of groundwater depth for basements, it was decided to leave the draft as is.

F. Open Channels. Replace "post-development" with "planned."

It was agreed to add a **section H.** to include some language referring to the protection of structures during larger flows that extend outside of the design capacity of conveyance systems.

No changes were made to subsection **(d).7. Additional Requirements.**

Sec. 14-335.(e) Technical Exemptions. Perry explained that this section was a compilation of exemptions that were in the DNR model throughout this section. He said it was also written to address the issues raised by County Corporation Counsel when he proposed a "waivers" section early in the ordinance.

1. B. Internally Drained Sites. It was noted that even the potholes that are often used for storm water management on these sites are subject to plugging if enough sediment accumulates in them. There may be a need for pre-treatment to avoid this situation and also to have a back-up plan in place in case they ever do plug and cease to function for infiltration.

Perry indicated that **1. C. Site Conditions.** is new language and intended to capture all other exemptions that could be justified due to various site restrictions beyond the control of the applicant. Some on the committee did not like the language which read "**the LRD shall be more lenient...**" After much discussion on this section and not reaching a resolution, it was decided to resume at this point during the next meeting.

Next Meeting Date

The next meeting is scheduled for Monday, January 31, 2005 at 1:00 PM.